

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

VERNON DELMA FURNISS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:07CV148-P-B

BUDD COMPANY, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon Motion to Dismiss of Defendant Gould Electronics, Inc. Wrongfully sued as Nikko Materials USA, Inc. on Behalf of and as Successor to Gould Inc. / Gould Electronics, Inc. and I-T-E [19]. After due consideration of the motion, the court finds as follows, to-wit:

The instant motion was filed on September 7, 2007. The plaintiff's deadline to respond was September 24, 2007. As of this date, the plaintiff has filed no response and has not otherwise contacted the court to request additional time to do so.

Uniform Local Rule 7.2(c)(3) requires a party to notify the court if it intends not to respond to a motion. Uniform Local Rule 7.2(c)(2) allows the court to grant a motion to which no response was filed. Furthermore, Fed. R. Civ. P. 41(b) allows the court to dismiss a plaintiff's claim against one or more defendants for failure to prosecute.

Accordingly, pursuant to Uniform Local Rules 7.2(c)(2) and (c)(3) and Fed. R. Civ. P. 41(b), the court finds that the instant motion to dismiss should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The Motion to Dismiss of Defendant Gould Electronics, Inc. Wrongfully Sued as Nikko Materials USA, Inc. on Behalf of and as Successor to Gould Inc. / Gould Electronics, Inc. and I-T-E [19] is **GRANTED**; therefore,

(2) The plaintiff's claims against Nikko Materials USA, Inc. on Behalf of and as Successor to Gould Inc.. / Gould Electronics, Inc. and I-T-E are hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this the 10th day of October, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE